



**U S Army Corps  
of Engineers**  
Huntington District

# Public Notice

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In reply refer to Public Notice No.

**2006-2035-SCR**

Issuance Date:

**August 29, 2006**

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Stream:

**U/T Big Walnut Creek**

Closing Date:

**September 28, 2006**

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Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

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**PUBLIC NOTICE:** The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

**REGULATORY PROGRAM:** Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

**SECTION 10:** The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

**SECTION 404:** The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

**TO WHOM IT MAY CONCERN:** The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application.

**APPLICANT:** Duke Realty Corporation  
5600 Blazer Parkway, Suite 100  
Dublin, Ohio 43017

**LOCATION:** The proposed project is located within an unnamed tributary of Big Walnut Creek and wetlands adjacent to this tributary, within a 157-acre site north of Vause Road near Lockbourne, Franklin County, Ohio. Longitude 82° 57' 28.85", Latitude 39° 49' 01.16"

**DESCRIPTION OF PROPOSED WORK:** The applicant proposes to place fill material into four wetlands and one intermittent stream to facilitate the construction of an industrial development referred to as the Canal Vause Campus. This industrial development would include the construction of three industrial buildings totaling 2,205,000 square feet. These buildings would be used for handling and sorting multi-modal (shipping) containers. To facilitate the construction of this development, the applicant proposes to impact 1,737 linear feet (lf) of one intermittent stream and 0.18 acres (ac) of four wetlands. The applicant proposes to relocate the intermittent stream within the site and, upon completion of the relocation, proposes to place 645 cubic yards of fill material into the existing stream channel. The applicant also proposes to place 290.4 cubic yards of fill material into the four wetlands. Fill material would be obtained from excavation activities within the site. Proposed wetland impacts are summarized in Table 1. Plans of the proposal are attached to this notice.

Table 1  
Proposed Wetland Impacts to Canal Vause Campus

<b>Wetland ID</b>	<b>Acreage On-Site</b>	<b>Acreage of Impact</b>	<b>Impact Type</b>
Wetland A	0.03 ac	0.03 ac	Fill
Wetland B	0.04 ac	0.04 ac	Fill
Wetland C	0.06 ac	0.06 ac	Fill
Wetland D	0.05 ac	0.05 ac	Fill

The applicant has also indicated two ponds, Pond 1 (0.06 ac) and Pond 2 (0.04 ac), would be impacted by the proposal. Impacts to Pond 1 and Pond 2 do not require authorization from this office.

**Mitigation:** The proposed project would impact 1,737 lf of stream and 0.18 ac of four wetlands. As mitigation for the stream impacts, the applicant proposes to reconstruct 2,110 linear feet of two-stage stream channel within the 157-acre site. The stream reconstruction includes the establishment of an associated 50-foot vegetated buffer on both sides of the relocated stream channel. The location of this stream mitigation area is shown on the attached plans.

As mitigation for the proposed wetland impacts, the applicant has submitted a conceptual mitigation plan indicating one of the following two options would be implemented:

- Mitigation Option 1 – Under this option, the applicant proposes to cooperate with the Columbus Regional Airport Authority to restore wetland areas within a proposed mitigation site located approximately 3.4 miles southwest of the proposal. This mitigation site is within the Mackey Ford Wildlife Area, which is owned and managed by the Ohio Department of Natural Resources. The site is presently an active agricultural field with small woodlots. According to the applicant, several existing wetlands are located within the forested portions

of the site. The applicant has indicated the forested wetlands in this area would be restored and enhanced through the creation of vernal pools within the woodlots. The applicant has indicated approximately 16.8 ac of wetland would be restored or enhanced.

- Wetland Mitigation Option 2 – Under this option, the applicant would purchase 0.30 acres of wetland mitigation credit from an approved wetland mitigation bank.

Alternatives Analysis: A total of 0.18 ac of jurisdictional wetlands would be filled as a result of the proposal. Construction of the proposal does not require access to or siting within wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. All practicable alternatives not involving such discharges into special aquatic sites are presumed to have less adverse impacts to the aquatic system. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material. The applicant has submitted the required alternative analysis, which is currently under review by this office.

**WATER QUALITY CERTIFICATION:** A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the Ohio Environmental Protection Agency.

**HISTORIC & CULTURAL RESOURCES:** The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. A copy of this public notice will be furnished to the State Historic Preservation Office for their review. Comments concerning archaeological sensitivity of the project area should be based on collected data.

**THREATENED & ENDANGERED SPECIES:** This project is located within the known or historic range of Indiana bat (endangered), Scioto madtom (endangered), northern riffleshell mussel (endangered), clubshell mussel (endangered), and rayed bean mussel (proposed candidate species).

Construction of the proposal would include cutting of trees and shrubs. Provided the applicant does not clear suitable habitat for the Indiana bat during the designated roosting period of April 15<sup>th</sup> to September 15<sup>th</sup>, this office has preliminarily determined implementation of the proposal may affect, but would not adversely affect the Indiana bat. Due to the nature and location of the project, this office has preliminarily determined implementation of the proposal will have no affect on the Scioto madtom, northern riffleshell mussel, clubshell mussel, or rayed bean mussel.

This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

**PUBLIC INTEREST:** Any person who has an interest, which may be adversely affected by the issuance of a permit, may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

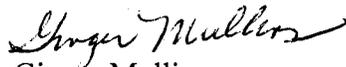
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers  
ATTN: CELRH-OR-F Public Notice No. 2006-2035-SCR  
502 8<sup>th</sup> Street  
Huntington, West Virginia 25701-2070

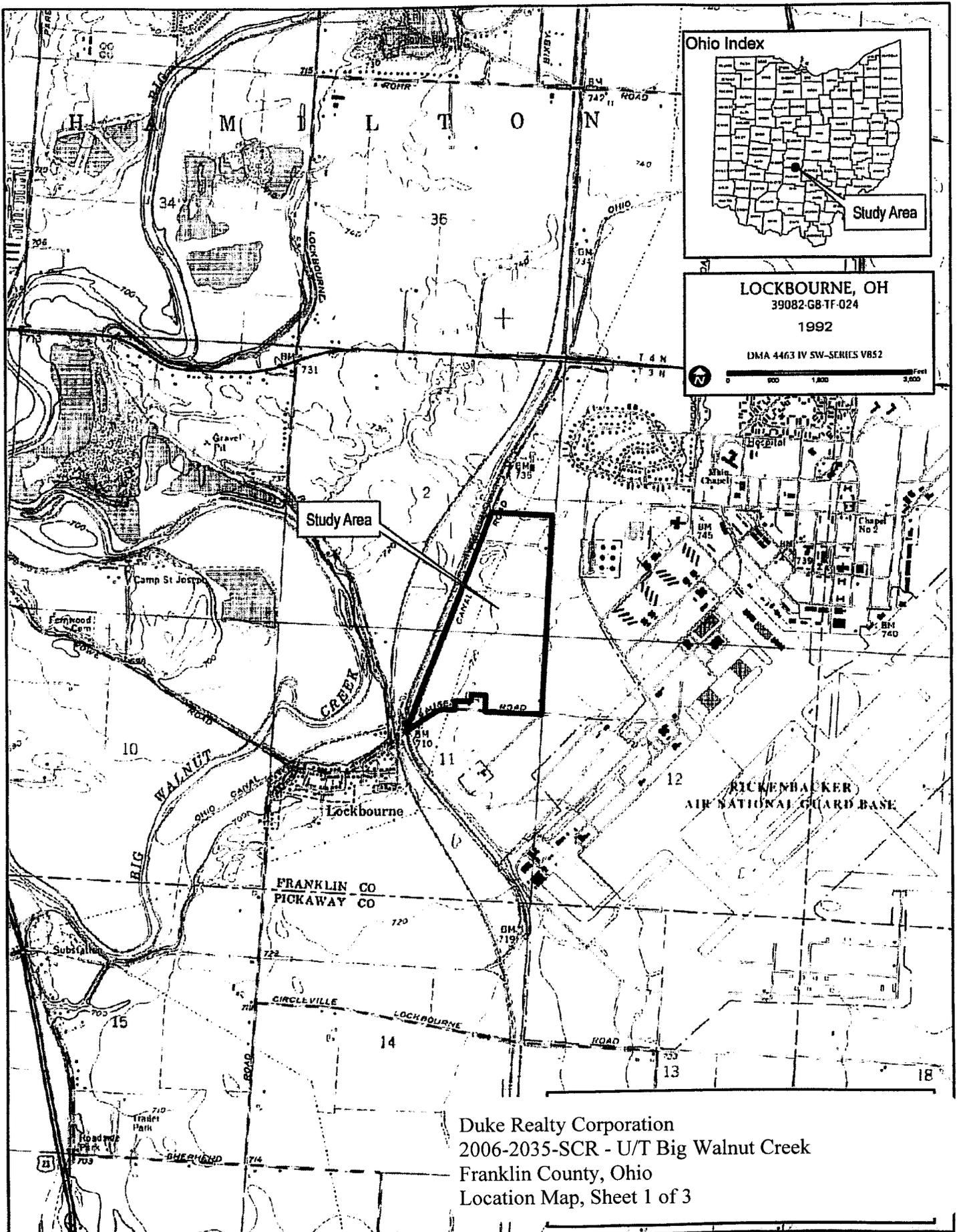
Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act.

Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Ms. Susan A. Fields of my staff at 304-399-5210.



Ginger Mullins  
Chief, Regulatory Branch

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Duke Realty Corporation  
 2006-2035-SCR - U/T Big Walnut Creek  
 Franklin County, Ohio  
 Location Map, Sheet 1 of 3

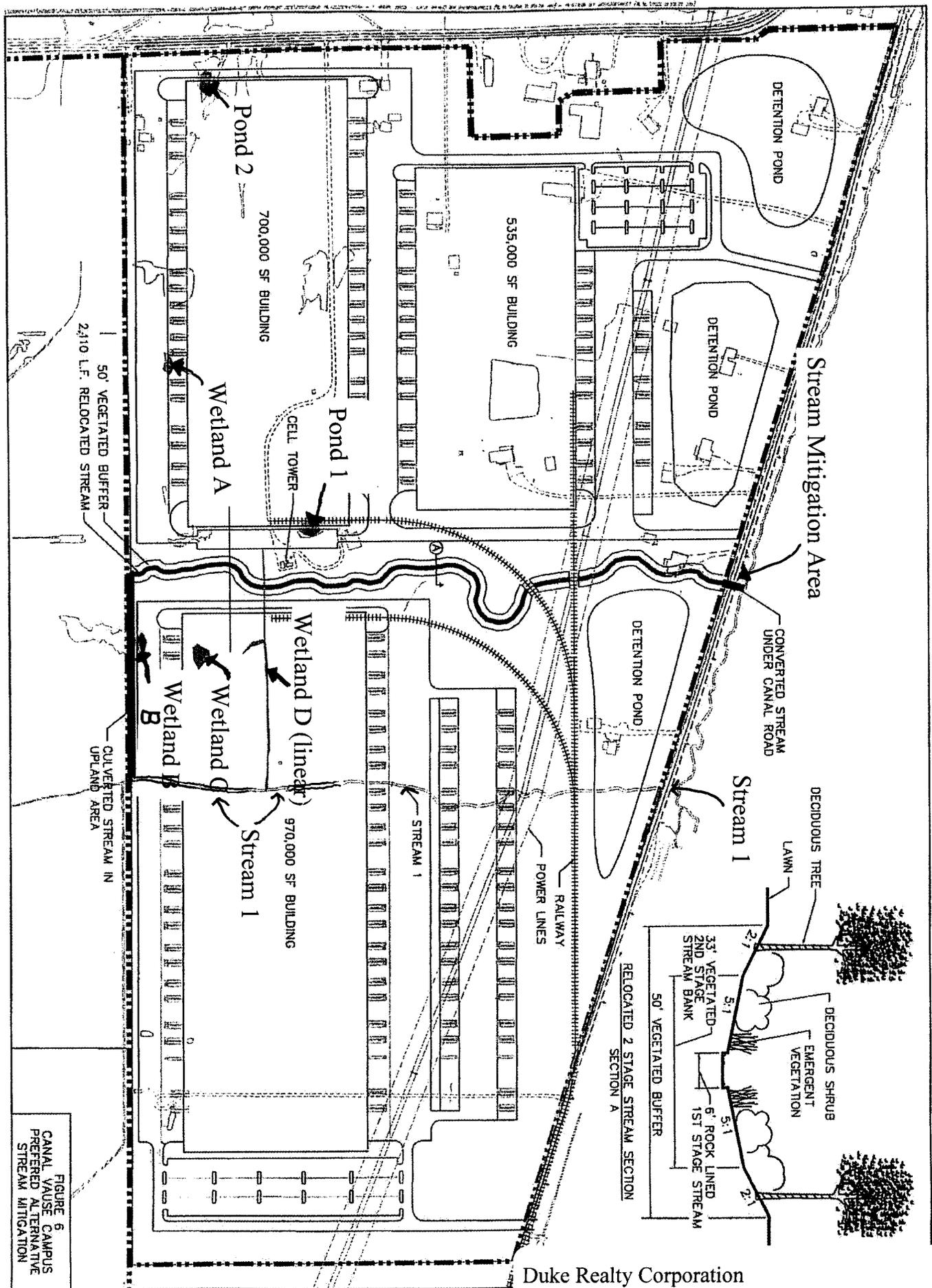
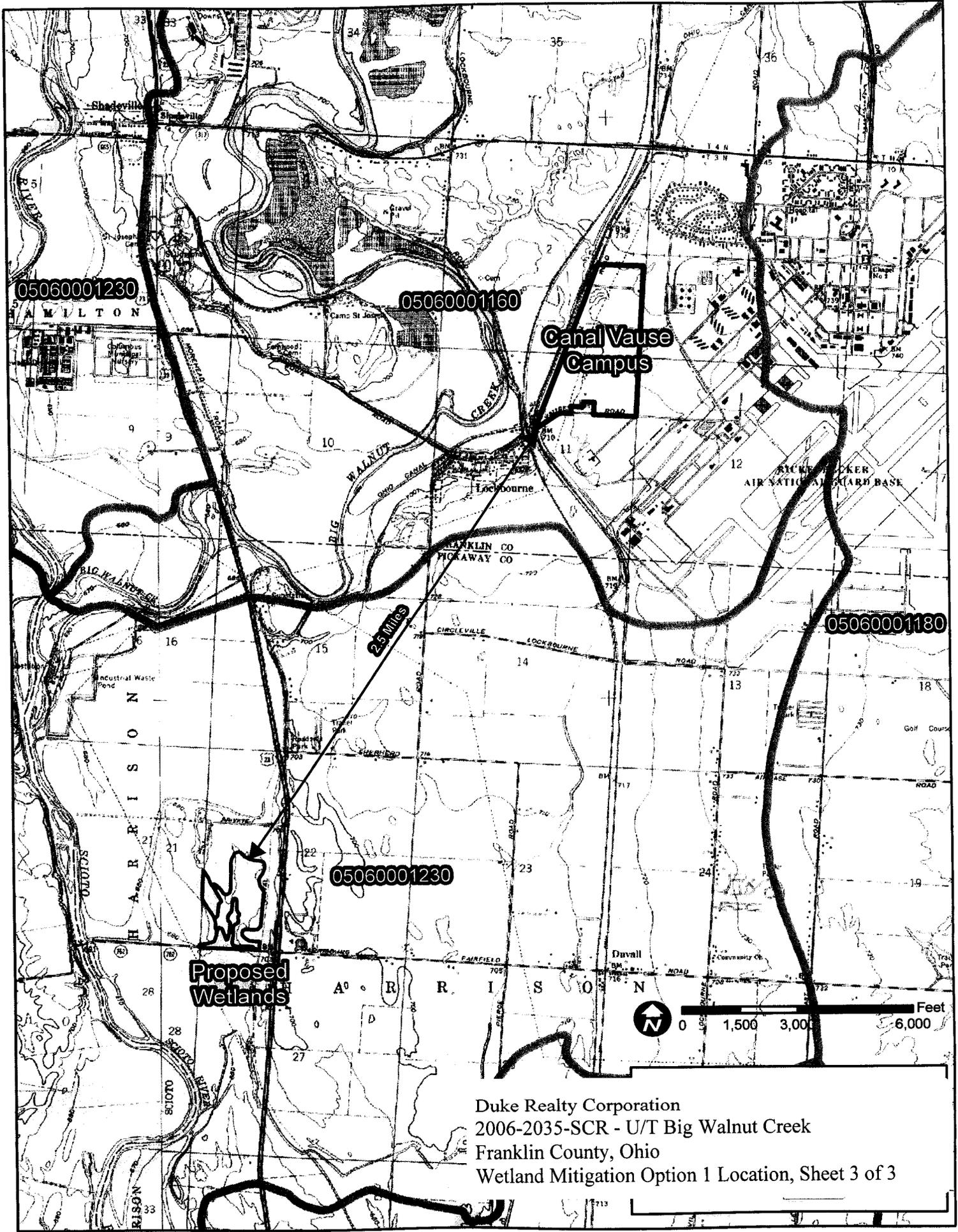


FIGURE 6  
CANAL VAUSE CAMPUS  
PREFERRED ALTERNATIVE  
STREAM MITIGATION



05060001230

05060001160

Canal Vause  
Campus

05060001180

05060001230

Proposed  
Wetlands



0 1,500 3,000 6,000 Feet

Duke Realty Corporation  
2006-2035-SCR - U/T Big Walnut Creek  
Franklin County, Ohio  
Wetland Mitigation Option 1 Location, Sheet 3 of 3